

PREFACE

This supplement contains amendments to the environmental regulations adopted during the 3rd quarter of 2012 (July - September).

The amendments in this publication include the following:

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ft – Fast-Track Rule - Federal regulations promulgated in accordance with expedited procedures in R.S. 49:953(F)(3)

F – Federal Language

L – Louisiana Language

S – Substantive Changes to Proposed Rule

P – Rule resulting from a Petition for Rulemaking

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Title 33

ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 1. Departmental Administrative Procedures

Chapter 15. Permit Application and Working Draft Permit Review

§1503. Definitions

A. For all purposes of this regulation, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise.

* * *

Database—the Tools for Environmental Management and Protection Organizations (TEMPO) information management system or any similar information management system used by the department to generate permits.

* * *

Permit Differences Report—a document generated by TEMPO summarizing the differences between the existing permit for a facility or process unit, and a draft permit renewal or substantial permit modification for the same facility or process unit.

* * *

Technical Review Period—the time during which a permit applicant may review and comment on a *working draft permit*.

Working Draft Permit—the initial draft document prepared by one or more department employees based on the application and supplemental information submitted by the permit applicant. The document is not yet approved for public notice (where required) or for a final permit decision. The document includes supporting material such as statements of basis or fact sheets when required by regulation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2022(B) and (D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Legal Affairs and Enforcement, Enforcement and Regulatory Compliance Division, LR 19:487 (April 1993), amended by the Office of the Secretary, Legal Affairs Division, LR 33:1341 (July 2007), LR 38:1586 (July 2012).

§1507. Review of Working Draft Permits

A. Technical Review Period

1. If requested by the permit applicant, the department shall provide the applicant with a reasonable opportunity to review a working draft permit renewal or a modification to a hazardous waste, solid waste, water discharge, or air quality permit before public notice is provided. If the draft permit includes revisions to an existing permit, the working draft permit, as defined in LAC 33:I.1503, shall clearly identify each change made by the department to the existing permit.

2. When public notice is not required, the department shall provide the applicant with a reasonable opportunity to review the working draft permit or permit modification prior to a final permit decision if:

a. a technical review period, as defined in LAC 33:I.1503, is requested by the applicant; or

b. the department proposes modifications or revisions not associated with the applicant's request. In lieu of a technical review period, the department may reopen the permit in accordance with applicable law.

3. When a technical review period is not requested or required by Subparagraph A.2.b of this Section, an opportunity to review a working draft permit may be provided to the permit applicant upon a determination of need by the department.

B. **Permit Differences Report.** If requested by the permit applicant, the department shall transmit to the applicant, with the working draft permit, a permit differences report, as defined in LAC 33:I.1503, when such report can be generated by the department's database, as defined in LAC 33:I.1503. Where the database cannot generate a permit differences report, a written summary of specific changes to the existing permit shall be provided whenever the department prepares a draft database permit renewal, extension, or substantial modification.

C. The technical review period shall be no longer than 10 business days. The department may extend the review period upon request of the permit applicant.

D. The permit applicant shall name a designated contact to receive the working draft permit, and provide the appropriate mailing and electronic mail addresses for the contact. Hardcopies of working draft permits shall be provided only when electronic copies are not available.

E. Comments on a working draft permit provided by the permit applicant shall be submitted by the designated contact using the appropriate form provided by the department.

F. When public notice is required, the notice shall indicate that a working draft of the proposed permit was provided to the permit applicant's designated contact and that any remarks submitted on behalf of the permit applicant, and the department's responses thereto, are included in the permit record that is available for public review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2022(D).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs

Division, LR 38:1586 (July 2012), repromulgated LR 38:1954 .
(August 2012).

Title 33 ENVIRONMENTAL QUALITY

Part III. Air

Chapter 3. Regulatory Permits

§317. Regulatory Permit for Rock, Concrete, and Asphalt Crushing Facilities

A. Applicability

1. This regulatory permit authorizes the construction and operation of rock, concrete, and asphalt crushing facilities, subject to the requirements established herein, upon notification by the department that the application (i.e., notification form) submitted in accordance with Subsection H of this Section has been determined to be complete.

2. This regulatory permit may be used to authorize both fixed and portable crushers. Fixed crushers are those attached by a cable, chain, turnbuckle, bolt, or other means to any anchor, slab, or structure, including bedrock.

B. New Source Performance Standards. Each fixed crusher with a capacity of more than 25 tons per hour and each portable crusher with a capacity of more than 150 tons per hour for which construction, modification, or reconstruction commenced after August 31, 1983, shall comply with the applicable provisions of 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. Modification and reconstruction are described in 40 CFR 60.14 and 15, respectively.

C. Control of Fugitive Emissions

1. Emission of particulate matter shall be controlled so that the shade or appearance of the emission is not denser than 20 percent average opacity, except that the emissions may have an average opacity in excess of 20 percent for not more than one 6-minute period in any 60 consecutive minutes.

2. Emissions of smoke or suspended particulate matter that pass onto or across a public road and create a traffic hazard by *impairment of visibility*, as defined in LAC 33:III.111, or intensify an existing traffic hazard condition are prohibited.

3. All reasonable precautions shall be taken to prevent particulate matter from becoming airborne. These precautions shall include, but not be limited to, the following.

a. Open-bodied trucks transporting materials likely to give rise to airborne dust shall be covered at all times when in motion.

b. Earth or other material on paved areas within the facility due to transport by trucking or other means shall be promptly removed.

c. In-plant roads, active work areas, material stockpiles, and other surfaces at the facility shall be watered,

treated with dust-suppressant chemicals, oiled, or paved and cleaned as necessary to minimize dust emissions to the greatest extent practicable.

4. If dust cannot be controlled by other means, the department may require permanently mounted spray bars to be installed at the inlet and outlet of the crusher, at all shaker screens, and/or at all material transfer points and used as necessary.

5. Best housekeeping and maintenance practices shall be employed to minimize emissions of organic compounds. Good housekeeping shall include, but not be limited to, the practices described in LAC 33:III.2113.A.1-4.

D. Filter Vents (Baghouses)

1. Monitoring and Repair

a. Filter vents shall be inspected for visible emissions on a daily basis.

b. Filter elements (bags) shall be inspected no less than once every six months or more frequently if daily visual checks indicate maintenance may be necessary.

c. Elements shall be changed in accordance with the manufacturer's recommendations or more frequently if maintenance inspections reveal damage or other impairments impacting the design efficiency of the unit.

2. Recordkeeping. The following records shall be kept on-site and available for inspection by the Office of Environmental Compliance:

a. the results of the visual checks required by Subparagraph D.1.a of this Section;

b. the dates and results of the maintenance inspections required by Subparagraph D.1.b of this Section; and

c. the dates and a description of any maintenance or repair conducted in accordance with Subparagraph D.1.c of this Section.

3. The daily monitoring and recordkeeping requirements in this Subsection shall not apply when the crusher is not operational.

E. Internal Combustion Engines

1. Fuels and Fuel Sulfur Content

a. Internal combustion engines (ICEs) shall not combust noncommercial fuels, including any used oil, facility byproducts, or other type of waste material. Only commercially available fuels such as diesel or gasoline shall be used as a fuel in ICEs.

b. The permittee shall not combust distillate oil that contains greater than 0.5 weight percent sulfur.

2. Opacity

a. Limitations

i. Smoke. The emission of smoke shall be controlled so that the shade or appearance of the emission is not darker than 20 percent average opacity, except that the emissions may have an average opacity in excess of 20 percent for not more than one 6-minute period in any 60 consecutive minutes.

ii. Particulate Matter. The emission of particulate matter shall be controlled so that the shade or appearance of the emission is not denser than 20 percent average opacity, except that the emissions may have an average opacity in excess of 20 percent for not more than one 6-minute period in any 60 consecutive minutes.

iii. Subparagraph E.2.a of this Section shall not apply if the presence of uncombined water is the only reason for failure of an emission to meet the opacity limitations.

b. Monitoring, Recordkeeping, and Reporting

i. The permittee shall inspect each ICE's stack for visible emissions once each month.

ii. If visible emissions are detected for more than one 6-minute period over a 60 consecutive minute test period, the permittee shall conduct a 6-minute opacity reading in accordance with Method 9 of 40 CFR 60, Appendix A, within 3 operating days.

iii. If the shade or appearance of the emission is darker than 20 percent average opacity in accordance with Method 9 of 40 CFR 60, Appendix A, the permittee shall take corrective action to return the ICE to its proper operating condition, and the 6-minute opacity reading shall be repeated in accordance with Method 9. The permittee shall notify the Office of Environmental Compliance no later than 30 calendar days after the occurrence of any Method 9 readings in excess of 20 percent average opacity. This notification shall include the date the visual check was performed, results of the Method 9 testing, and a record of the corrective action employed.

iv. Records of visible emissions checks shall include the ICE's serial number, the date the visual check was performed, a record of emissions if visible emissions were detected for a period longer than 6 consecutive minutes, the results of any Method 9 testing conducted, and a record of any corrective action employed. These records shall be kept on-site and available for inspection by the Office of Environmental Compliance.

3. New Source Performance Standards

a. Each stationary compression ignition (CI) ICE described in 40 CFR 60.4200(a) shall comply with the applicable provisions of 40 CFR 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines, unless the ICE is exempted as described in 40 CFR 60.4200(d).

b. Each stationary spark ignition (SI) ICE described in 40 CFR 60.4230(a) shall comply with the applicable provisions of 40 CFR 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal

Combustion Engines, unless the ICE is exempted as described in 40 CFR 60.4230(e) or meets the conditions set forth in 40 CFR 60.4230(f).

4. National Emissions Standards for Hazardous Air Pollutants. Each stationary reciprocating ICE described in 40 CFR 63.6590 shall comply with the applicable provisions of 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

5. Gasoline storage tanks associated with an ICE and with a nominal capacity of more than 250 gallons shall be equipped with a submerged fill pipe.

F. Operating Time. The crusher and associated equipment (excluding stockpiles and storage vessels) shall not operate for more than 4380 hours per calendar year.

1. Operating time shall be monitored by any technically sound means.

2. Operating time of the crusher shall be recorded each month, as well as its operating time for the last 12 months. The records shall be kept on-site for five years and available for inspection by the Office of Environmental Compliance.

G. Monitoring of Capacity. The department may require the crusher to be equipped with a weigh hopper or scale belt to accurately determine the weight of material being crushed.

H. Notification Requirements. Written notification describing the crusher shall be submitted to the Office of Environmental Services using the appropriate form provided by the department. A separate notification form shall be submitted for each crusher.

I. Relocation. The permittee shall notify the department prior to moving the crusher to a new operating site. The permittee shall obtain approval from the department before commencing operations at a new site.

J. Standby Plan. The permittee shall develop and retain on site a standby plan for the reduction or elimination of emissions during an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency. The plan shall be designed in accordance with the objectives set forth in LAC 33:III.5611, Tables 5, 6, and 7.

1. Activate the pre-planned abatement strategies listed in LAC 33:III.5611, Table 5 when the department declares an Air Pollution Alert.

2. Activate the pre-planned abatement strategies listed in LAC 33:III.5611, Table 6 when the department declares an Air Pollution Warning.

3. Activate the pre-planned abatement strategies listed in LAC 33:III.5611, Table 7 when the department declares an Air Pollution Emergency.

K. Fees. In accordance with LAC 33:III.223, Table 1, the new permit application fee for this regulatory permit shall be \$2,080 (fee number 0870). In accordance with

LAC 33:III.209 and 211, the annual maintenance fee associated with this regulatory permit shall be \$416. If potential emissions from the crusher are such that it qualifies for a small source permit as described in LAC 33:III.503.B.2, then fee number 1722 located in LAC 33:III.223, Table 1 shall apply in accordance with LAC 33:III.211.B.13.e.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, Legal Affairs Division, LR 38:1955 (August 2012).

